



Rep. Lou Lang

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09800HB2905ham001

LRB098 08988 RLC 42287 a

1 AMENDMENT TO HOUSE BILL 2905

2 AMENDMENT NO. _____. Amend House Bill 2905 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Section 32-13 as follows:

6 (720 ILCS 5/32-13)

7 Sec. 32-13. Unlawful clouding of title.

8 (a) Any person who intentionally records or files or causes
9 to be recorded or filed any document in the office of the
10 recorder or registrar of titles of any county of this State
11 that is a cloud on the title of land in this State, knowing
12 that the theory upon which the purported cloud on title is
13 based is not recognized as a legitimate legal theory by the
14 courts of this State or of the United States, commits the
15 offense of unlawful clouding of title.

16 (b) Unlawful clouding of title is a Class 4 felony ~~A~~

1 ~~misdemeanor.~~

2 (c) In addition to any other sentence that may be imposed,
3 the court shall order any person convicted of a violation of
4 this Section, or placed on supervision for a violation of this
5 Section, to execute a release of the purported cloud on title
6 as may be requested by or on behalf of any person whose
7 property is encumbered or potentially encumbered by the
8 document filed. Irrespective of whether or not a person charged
9 under this Section is convicted of the offense of unlawful
10 clouding of title, when the evidence demonstrates that, as a
11 matter of law, the cloud on title is not a type of cloud
12 recognized or authorized by the courts of this State or the
13 United States, the court shall forthwith direct the recorder or
14 registrar of titles to expunge the cloud.

15 (c-5) This Section does not apply to an attorney licensed
16 to practice law in this State who in good faith files a lien on
17 behalf of his or her client and who in good faith believes that
18 the validity of the lien is supported by statutory law, by a
19 decision of a court of law, or by a good faith argument for an
20 extension, modification, or reversal of existing court
21 decisions relating to the validity of the lien.

22 (d) For purposes of this Section, "cloud on title" or
23 "cloud on the title" means an outstanding claim or encumbrance
24 that, if valid, would affect or impair the title of the owner
25 of an estate in land and on its face has that effect, but can be
26 shown by extrinsic proof to be invalid or inapplicable to that

1 estate.

2 (Source: P.A. 89-682, eff. 1-1-97.)".